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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,336	10/14/2003	Dale W. Malik	190250-1540	7181
38823 7590 05/30/2008 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ AT&T Delaware Intellectual Property, Inc. 600 GALLERIA PARKWAY, S.E. SUITE 1500 ATLANTA, GA 30339-5994				
EXAMINER				
VU, VIET DUY				
ART UNIT		PAPER NUMBER		
2154				
MAIL DATE		DELIVERY MODE		
05/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/686,336

Applicant(s)

MALIK ET AL.

Examiner

Viet Vu

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 6 is/are allowed.
- 6) ☒ Claim(s) 7-12, 14-19 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 13, 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Art Rejections:

1. The text of 35 USC 103(a) not cited here can be found in the previous office action.

2. Claims 7-12, 14-19 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoakum et al, U.S. pat. No. 7,139,797.

Per claim 7, Yoakum discloses a communications system, comprising:

- a) a plurality of communications accounts (i.e., user profile/preference) of a user for a first communications service (e.g., voice, email) (see col 4, lines 14-67);
- b) at least one communications account of the user for the second communications service (e.g., IM) (col 4, lines 14-23);
- c) first logic configured to recognize that one of the plurality of communications accounts of the user for the first communications service is being actively utilized wherein upon a determination that the user is actively utilized a communication service on the computer (i.e., computer/application is in use) directing each of the first communication services to initiate an active state of service on the computer (see col 12, lines 5-21); and

d) upon a determination that the user is not actively utilized a communication service on the computer (i.e., computer/application is not in use) directing each of the first communication services to initiate an inactive state of service on the computes, wherein the first communication service operates at a first level of service in the active state (e.g. online) and operates at a second reduced level of service (e.g., idling) in the inactive state (see col 12, line 29-31).

Yoakum does not explicitly teach detecting a user request for a communication service on the computer. An official notice is taken that it is well known in the art that user simple act of invoking a communication application constitutes a request for a service on the computer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize the step of detecting a user request a communication service on the computer because it would have enabled operating the computer properly including initiating communication applications (see col 11, lines 26-39).

Per claims 8-11, Yoakum's teachings encompass any conventional communication services (see par. 136-137).

Per claim 12, Yoakum teaches using a second logic (i.e., rules) to determine if the user would actively utilize a second communication service (e.g. IM) on the computer via respective communication account of the user (see col 12, lines 4-31). Yoakum does not explicitly teach directing the second communication service (IM application) to assume an active state of service for the first user after the first logic recognizes that one of the plurality of communications accounts of the first user is being actively utilized.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize the step of directing the second communication service (IM) to assume such active state of service because it would have enabled the user to readily receive message via IM application (see col 12, lines 18-21).

Claims 14-19 and 21-26 are similar in scope as that of claims 7-12.

Allowable Subject Matter:

3. Claims 13 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 1-4 and 6 are allowed over prior art of record.

Response to Amendment:

5. Applicant's arguments filed on April 30, 2008 with respect to claims 7-12, 14-19 and 21-26 are not found persuasive.

Applicant alleges that Yoakum does not teach utilizing state of communication service on the computer to control/configure different communication services on the same computer.

The examiner disagrees. Yoakum clearly teaches using presence information of the user to control/configure different communication applications on the user computer including calls, Emails, Instant Messaging, etc., (see col 12, lines 4-21).

Conclusion:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Viet Vu/
Primary Examiner, Art Unit 2154
5/27/08